REMARKS

This is a full and timely response to the Final Office Action mailed April 22, 2009. The Applicants have amended claims 1 and 29, as indicated above. Upon entry of the amendments above, claims 1 – 31 remain pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Rejections Under 35 U.S.C. 112, Second Paragraph

The Office Acton rejects claims 1 – 8 and 29 under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Office Action argues that the scope of the recitation "at least partially implemented" in claim 1 is indefinite because it cannot be determined which part of the method is implemented by the computer and which part of the method is not implemented by the computer. The Applicants note that the Office Action does not provide any explanation as to why independent claim 29 does not comply with 35 U.S.C. 112, second paragraph. It appears that claim 29 was included in error in the statement of the rejection and, therefore, the Applicants respectfully request that the rejection of claim 29 be withdrawn or that a clear explanation be provided.

Without acquiescing to the merits of the rejection of claims 1 - 8, the Applicants have amended independent claim 1 by removing the recitation "at least partially implemented by a computer system". For at least this reason, the Applicants respectfully request that the rejection be withdrawn.

II. Rejections Under 35 U.S.C. 101

The Office Action rejects claims 1 – 8 and 29 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. The Office Action argues that the methods recited in claims 1 – 8 are not patent-eligible subject matter because the methods are neither tied to another statutory class (such as a particular machine or apparatus) nor do they transform underlying subject matter (such as an article or materials to a different state or thing), in accordance with the test outlined by the Federal Circuit in *In re Bilski* for determining whether a method claim recites statutory subject matter under 35 U.S.C. 101.

The Applicants have amended independent claim 1 to recite "electronically creating and storing in a computing platform a single recovery credit account" and "electronically setting an opening credit balance of the recovery credit account in the computing platform". The Applicants respectfully assert that these amendments clearly meet one or both of the prongs of the Bilski test. For at least this reason, the Applicants respectfully submit that claim 1, as amended, and claims 2 – 8 depending therefrom are directed to patent-eligible subject matter. Accordingly, the Applicants respectfully request that the rejection of claims 1 – 8 be withdrawn.

The Office Action alleges that claim 29 is directed to a computer program which is functional descriptive subject matter and, therefore, non-statutory. The Applicants respectfully disagree. However, in an effort to minimize disputed issues, the Applicants have amended the preamble of claim 29, as suggested by the Examiner, to recite "[a]n article of manufacture comprising a computer-readable medium having a computer program". Accordingly, the Applicants respectfully submit that claim 29 is directed to statutory subject matter and request that the rejection be withdrawn.

III. Rejections Under 35 U.S.C. 103

The Office Action rejects claims 1 – 4, 6, 9 – 12, 14, 17 – 20, 22, and 25 – 31 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0123962 to Bryman *et al.* ("Bryman") in view of Consumer Financial Services Law Report, March 5, 2000 ("Law"). The Office Action rejects the remaining claims (claim 5, 13, and 21) under 35 U.S.C. 103(a) as allegedly being unpatentable over Bryman in view Law and further in view of the Official Notice statements.

The Office Action concedes that Bryman fails to teach the feature of "the single recovery credit account not having a debt balance record", which is recited in each independent claim, but alleges that Law teaches this feature. Law is a legal article reporting on the result of the lawsuit in the Middle District of Florida between a debtor (Hilda McIntyre) and The Credit Store. The Credit Store had acquired McIntyre's defaulted credit card from Citibank and then offered McIntyre an unsecured credit card by mail. The offer provided that if McIntyre agreed to repay the defaulted Citibank debt by transferring the outstanding balance to a new credit card account, The Credit Store would issue her a credit card with a balance and a credit limit equal to the amount of her outstanding debt.

The Office Action mischaracterizes the teachings of Law. Law does not teach a single recovery account that does not have a debt balance record, as recited in each of the independent claims. In fact, nowhere in the report is it even mentioned that The Credit Store offers a reaffirmation credit account that does not have a debt balance record. The Office Action points to Page 1, Paragraph 1 for this alleged teaching. However, it is clear from the report that The

Credit Store merely offers a two-record reaffirmation credit account, such as described in Bryman. Unlike the claimed systems, methods, and computers systems which do not have a debt balance record, the two-record reaffirmation accounts (including those disclosed in Bryman and Law) apply at least a portion of the charged-off credit account to a debt account having a debt balance record. On the contrary, the claimed recovery credit account has a ***single credit account*** that comprises a credit balance based on a charged-off credit account balance. Each claim further recites that the single credit account is ***not a debt account*** and ***does not have a debt balance record***. The value of the opening credit balance is based on the charged-off credit account balance, and the opening credit balance represents the entire debt obligation of the customer because it only comprises a single credit account. Unlike existing recovery credit solutions, such as Bryman and Law, none of the charged-off credit account balance is applied to a debt balance because the credit account is not a debt account nor does it have an associated debt balance. The claimed recovery account does not allocate a portion of the charged-off credit account balance to a separate debt balance.

The Office Action mischaracterizes Law. Law merely teaches a conventional two-record reaffirmation credit account, such as those described in the Background of the present application. Such two-record solutions, unlike the claimed credit accounts, comprise ***both a credit balance and a corresponding debt balance***. When the reaffirmation credit account is established, the charged-off credit account balance is split between two separate records – a credit balance record and a debt balance record. As the customer makes payments to the reaffirmation credit account, the payments are applied to both the credit balance and the debt balance. Thus, the credit account is required to separately maintain both the credit balance record and the debt balance record. Unlike such two-records solutions, the claimed credit

account is not a debt account and does not have a debt balance. The claimed credit account maintains a single credit record without regard to an associated debt balance record.

For at least this reason, the rejection of independent claims 1, 9, 17, 25, 26 and 28 – 30 should be withdrawn and the claims allowed. The rejection of the dependent claims should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly the Applicants respectfully request that the rejection of claims 1 – 31 be withdrawn and the claims allowed.

CONCLUSION

For at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 31 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

/Adam E. Crall/

Adam E. Crall, Reg. No. 46,646

SMITH FROHWEIN TEMPEL GREENLEE BLAHA LLC
Two Ravinia Drive, Suite 700
Atlanta, Georgia 30346
404-815-9300

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: July 22, 2009

/Adam E. Crall/

Signature